UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/NGO/127
11 February 2002

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 12 (a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement* submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

1. Five years ago, the Beijing Declaration and Platform for Action affirmed that "women's rights are human rights" (paragraph 14). Nonetheless, in many societies, the traditional association of women with family issues—which are often considered matters of private, rather than public or international, concern—can obscure certain widespread violations of women's human rights. Consequently, some forms of gender-based violence are more visible than others. The war in Afghanistan has exposed the systemic pattern of violence by the Taliban and other Afghan armed groups against Afghani women and girls, representing gross violations of all internationally recognized economic, social, cultural, civil and political rights.

2. Outside the context of more overt cultural discriminatory acts of violence against women, systematic patterns may be more difficult to discern. For this reason, we call the Commission's attention to the pattern of gender-based violence suffered by Tibetan women at the hands of Chinese government officials. This pattern includes forced or coerced sterilizations and abortions, as well as rape and other sexual torture, perpetrated against Tibetan women, primarily nuns, as punishment for non-violent political protest. Moreover, these acts take place within the context of a broad and ongoing pattern of human rights violations against the Tibetan people, whose foundational right to self-determination has been denied for the past fifty years, as recognized by General Assembly Resolution 1723 (XVI) (1961) (and the 1965 resolution 2106A(xx), which reaffirms the 1961 resolution). Women's rights violations in Tibet, including both reproductive rights violations and acts of sexual violence, reflect and in many ways originate in the failure of China's authorities to permit Tibetans to exercise their right to self-determination. Here, as in more overt cases like Afghanistan, patterns of sexual violence also evince a discriminatory motive.

3. Tibetan women face a systematic pattern of gender-based violence for non-violent expressions of their political opinions. According to "Hostile Elements," a recent report by the Tibet Information Network (TIN), about one out of every twenty Tibetan women imprisoned for non-violent political expression die as a result of violence, torture and other maltreatment. One recent example in 2001 involved a Tibetan nun who died in prison after nine years of maltreatment, lack of food and physical beatings. According to TIN, she was detained in 1992 by the Chinese government for participating in a peaceful protest in Lhasa. In June 1998, five Tibetan nuns detained for political protests in the late 1980s and early 1990s, reportedly committed suicide after suffering five weeks of severe maltreatment. TIN reported that security personnel, acting under official orders, had beat the nuns and subjected them to electric shocks with cattle prods: "Electric batons are utilised . . . to torture those under restraint. Sense organs, such as tongue and ears, body cavities and sexual areas, especially on females, have been routine points of application for electric shocks."

4. Beijing's most recent and disturbing effort to repress political expression involves the decimation of Serthar, the monastic institute and nunnery. Founded at Larung Gar in 1980 for the purpose of reviving Buddhist scholarship and meditation, Serthar housed the largest concentration of monks and nuns in Tibet, including between 6,000 and 7,000 monks and nuns, and an additional 1,000 Chinese students. In June 2001, high-level Chinese officials and armed police arrived in Larung Gar to carry out orders from Beijing to expel the majority of monks, nuns and students. According to TIN, with nearly a 1,000 Chinese reportedly forced to leave, the officials' next target was the cohesive community of Tibetan nuns. Some 3,000 nuns were expelled and are believed to have suffered subsequent mental breakdowns and even resorted to suicide. One source reported: "'There are many nuns from Serthar begging for food and money in Xining, Chengdu

and other areas. The main problem is that if they go home they cannot enter a nunnery and they have taken vows not to go back to lay life.'" Officials also have attempted to force all of the institute's inhabitants to sign documents containing three points: "a denunciation of the Dalai Lama, a commitment not to return, and a commitment to honour the guidelines and policy set by the Chinese authority." Failure to comply with the officials' orders was punishable by imprisonment or destruction of their homes. Authorities, however, have already destroyed more than 1,000 residential dwellings. Beijing's assault on Larung Gar has single handedly destroyed a rapidly diminishing essential Tibetan community.

5. Coerced abortions and sterilizations, as well as intrusive monitoring of women's reproductive cycles, constitute acts of discrimination that violate Articles 1 and 2 of the Convention on the Elimination of Discrimination Against Women (CEDAW). Article 16(e) of CEDAW specifically guarantees women the rights "to decide freely and responsibly on the number and spacing of their children and to have access to the . . . means to enable them to exercise these rights." At the Fourth World Conference on Women, participating governments, including China, recognized and reaffirmed "the right of all women to control all aspects of their health, in particular their own fertility" (Beijing Declaration and Platform of Action, para. 17). To this end, governments agreed to "ensure that all health services and workers conform to human rights and to ethical, professional and gender-sensitive standards in the delivery of women's health services aimed at ensuring responsible, voluntary and informed consent" and to "eliminate harmful, medically unnecessary or coercive medical interventions" (paras. 107(g)-(h)). China's 1995 White Paper, "The Progress of Human Rights in China," however, says only that the state respects a woman's "right" to "family planning" and her "freedom to choose *not* to give birth."

6. Tibetan women continue to suffer from medically unnecessary, coercive and often harmful sterilizations and forced abortions, ostensibly justified by China's nationwide population control policies. Ordinarily, the government adheres to a "one family – one child" policy as a means to control China's overpopulation problems. But this policy, at least in theory, applies solely to nationalities whose populations exceed ten million. Only about six million Tibetans live in Tibet. Moreover, Tibet has no population problem, and it never has. In fact, prior to 1950, about six million Tibetans lived in Tibet, a region roughly the size of western Europe. Even today, in the Tibet Autonomous Region (an area that excludes most of the Tibetan provinces of Amdo and Kham), fewer than 1.6 persons inhabit each square kilometre. Tibet remains one of the *least* populated regions in the world. There is no justification for applying "family planning" policies in Tibet, particularly while the government simultaneously transfers millions of Chinese settlers into Tibet.

7. Reports indicate that Tibetan women suffer forced sterilizations and late-term abortions at the hands of state healthcare workers. In a recent study, one Tibetan described how Chinese authorities visited his village to enforce the birth control policy: "All the other women in the village who had two children already were ordered to undergo sterilisation regardless of their age or physical condition. They were treated like animals, and given very poor operations. One woman . . . died seven days after she was sterilised." Some abortions among Tibetan women are forced and carried out during the second or third trimesters of the pregnancy. In its 1998 Report to the U.N. Committee on the Elimination of Discrimination Against Women, the International Committee of Lawyers for Tibet (ICLT) documented specific cases of late-term abortions. If the women refuse to submit to these procedures, however, their "unauthorized" children are denied education, medical care, ration cards and other state benefits that they would ordinarily receive.

Some reports indicate that Tibetan women have been brought to medical clinics on various pretexts unrelated to their pregnancies and then, without their knowledge or consent, given injections that induce abortions.

8. Mr. Chairman, Article 1 of the 1993 Declaration on the Elimination of Violence Against Women notes that "the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women," and Article 2(d) makes clear that this includes "physical, sexual and psychological violence perpetuated or condoned by the State." The evidence of gender-based violence in Tibet, including coerced abortions, forcible sterilizations, and acts of sexual torture, reveals a systematic pattern of violence against Tibetan women that is "perpetuated or condoned by the [Chinese] State." We therefore urge the Commission to adopt a resolution calling on the Chinese government to protect Tibetan women from this pattern of gender-based violence, to take prompt and effective measures to prevent the sexual torture and abuse of detained Tibetan women and to cease illegitimate policy and practice of forcibly sterilizing Tibetan women and aborting their children.